

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BILLY Y. TATEYAMA,

Plaintiff,

v.

AT&T, INC., et al.,

Defendants.

2:11-CV-835 JCM (CWH)

ORDER

Presently, before the court is defendants AT&T Inc. and AT&T Savings and Security Plan's motion for summary judgment. (Doc. #29). Plaintiff Billy Y. Tateyama has filed an opposition (doc. #35) to which defendants have replied (doc. #38).

Summary judgment is appropriate when, viewing the facts in the light most favorable to the nonmoving party, there is no genuine issue of material fact, and the moving party is entitled to judgment as a matter of law. *Bagdadi v. Nazar*, 84 F.3d 1194, 1197 (9th Cir. 1996); FED. R. CIV. P. 56©). The moving party bears the burden of presenting authenticated evidence to demonstrate the absence of any genuine issue of material fact for trial. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986); *see Orr v. Bank of America*, 285 F.3d 764 (9th Cir. 2002) (articulating the standard for authentication of evidence on a motion for summary judgment).

Whereas the defendants have failed to authenticate any of the evidence provided to support the motion for summary judgment under the standards set forth in *Orr*, the court declines to consider the merits of the motion at this time.

1 Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants' motion for
3 summary judgment (doc. #29) be, and the same hereby is, DENIED without prejudice.

4 DATED March 5, 2012.

5

6


UNITED STATES DISTRICT JUDGE

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28